

ZB# 83-40

Dominick D'Egidio

15-7-4

Public Hearing:
4/28/83.

Public Hearing:

~~12/13/83.~~

Jan. 9, 1984.

Via Variance Granted

Notice to Sentinel

on 12/13/83.

General Receipt

5583

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, N. Y. 12550

Jan 17 - 19 84

Received of

Dominick D'Egidio

\$ 25.00

= Twenty five =

DOLLARS

For

filing fee Zoning Variance 83-40

DISTRIBUTION:

FUND	CODE	AMOUNT
Check		25.00
#2314		

By Pauline Townsend

Town Clerk

Title

Williamson Law Book Co., Rochester, N. Y. 14609

NEW WINDSOR ZONING BOARD OF APPEALS

-----x
In the Matter of the Application of

DOMINICK D'EGIDIO,

DECISION GRANTING
VARIANCE

83-40 .
-----x

WHEREAS, DOMINICK D'EGIDIO of 68 Melrose Avenue,
New Windsor, N.Y. (R-4 zone), has made application before the
Zoning Board of Appeals for area variance for the purposes of:
construction of two-car frame garage to rear portion of above premises ;
and

WHEREAS, a public hearing was held on the 9th day of
January, 1984 before the Zoning Board of Appeals at the Town Hall,
New Windsor, New York; and

WHEREAS, the applicant appeared in his own behalf
_____ ; and

WHEREAS, the application was unopposed ; and

WHEREAS, the Zoning Board of Appeals of the Town of New
Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents
and businesses as prescribed by law and published in The Sentinel, also
as required by law.

2. The evidence shows: that applicant proposes to construct
a two-car garage of frame construction to the rear portion of his
residential property located at 68 Melrose Avenue

3. The evidence shows that the rearyard of applicant's
premises is insufficient for such construction and that there is no
available land to be purchased in order to satisfy rearyard requirements .

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

1. The evidence shows that the applicant will encounter practical difficulty if the area variance requested is not granted.

2. The proposed variance will not result in substantial detriment to adjoining properties or change the character of the neighborhood.

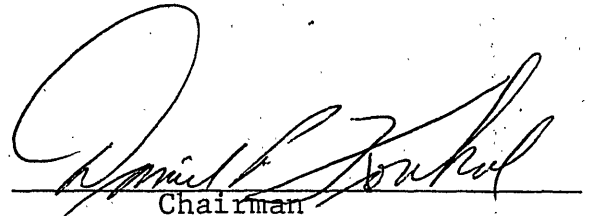
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grants 8 ft. sideyard and 6' 2" rearyard variances for construction of two-car frame garage on applicant's premises in accordance with plans submitted at the public hearing.

BE IT FURTHER,

RESOLVED that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: January 23, 1984.


Chairman

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

83-40

Date: 12/5/83

I. Applicant Information:

- (a) DOMINICK D'EGIDIO, 68 Melrose Ave, New Windsor
(Name, address and phone of Applicant) (Owner)
- (b) n/a
(Name, address and phone of purchaser or lessee)
- (c) n/a
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of broker)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Special Permit

III. Property Information:

- (a) R-4 68 Melrose Ave., New Windsor 15-7-4 90 x 80
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? none
- (c) Is a pending sale or lease subject to ZBA approval of this application? n/a
- (d) When was property purchased by present owner? 1977
- (e) Has property been subdivided previously? no When? _____
- (f) Has property been subject of variance or special permit previously? no When? -
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? Yes. 10/4/83
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: n/a

IV. ~~Use Variance:~~

- ~~(a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow: (Describe proposal) _____~~
- ~~_____~~
- ~~_____~~
- ~~_____~~
- ~~_____~~

- (b) ~~The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.~~

~~_____

_____~~

V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Bulk Regs., Col. 7 & 8.

Requirements	Proposed or Available	Variance Request
Min. Lot Area	_____	_____
Min. Lot Width	_____	_____
Reqd. Front Yd.	_____	_____
Reqd. Side Yd. <u>10'</u>	<u>2'</u>	<u>8 ft.</u>
Reqd. Rear Yd.	_____	<u>6' 2"</u>
Reqd. Street Frontage*	_____	_____
Max. Bldg. Hgt.	_____	_____
Min. Floor Area*	_____	_____
Dev. Coverage* %	%	%
Floor Area Ratio**	_____	_____

* Residential Districts only

** Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

Since there is no additional land available to purchase, two-car garage must be constructed to the rear of the residential lot, which is 90 ft. by 80 ft.

VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	Requirements	Proposed or Available	Variance Request
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
Total	_____ sq. ft.	_____ sq. ft.	_____ sq. ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Special Permit:

- (a) Special Permit requested under New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.
- (b) Describe in detail the use and structures proposed for the special permit.

VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

The proposed application will not change the character of the neighborhood which is residential in nature.
Structure will be constructed as a two-car frame garage.

IX. Attachments required:

- x Copy of letter of referral from Bldg./Zoning Inspector.
x Copy of tax map showing adjacent properties.
n/a Copy of contract of sale, lease or franchise agreement.
x Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
n/a Copy(ies) of sign(s) with dimensions.
x Check in the amount of \$ 25.00 payable to TOWN OF NEW WINDSOR.
x Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date December 5, 1983.

STATE OF NEW YORK)
COUNTY OF ORANGE) SS.:

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

X Dominick D'Egidio
(Applicant)

Sworn to before me this

8th day of December, 1983.
Patricia Delio

XI. ZBA Action:

PATRICIA DELIO
Notary Public, State of New York
Appointed in Orange County
My Commission expires Mar. 30, 1985.

- (a) Public Hearing date _____.
- (b) Variance is _____.
- Special Permit is _____.
- (c) Conditions and safeguards: _____
- _____
- _____
- _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY
RESOLUTION OF ZONING BOARD OF APPEALS.

Prelim. meeting
Nov. 14th (1) (2)

TOWN OF NEW WINDSOR
ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR

no show.

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No.

Date October 4, 1983

To Dominick
Angelino D'Egidio

68 Melrose Ave.
New Windsor, New York 12550

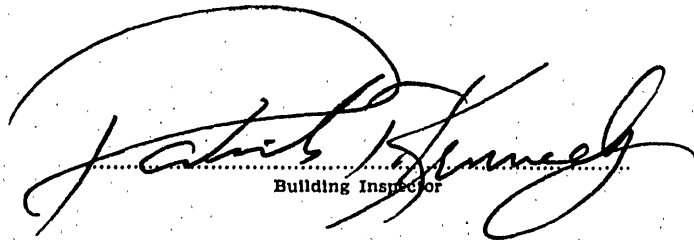
PLEASE TAKE NOTICE that your application dated October 4, 1983

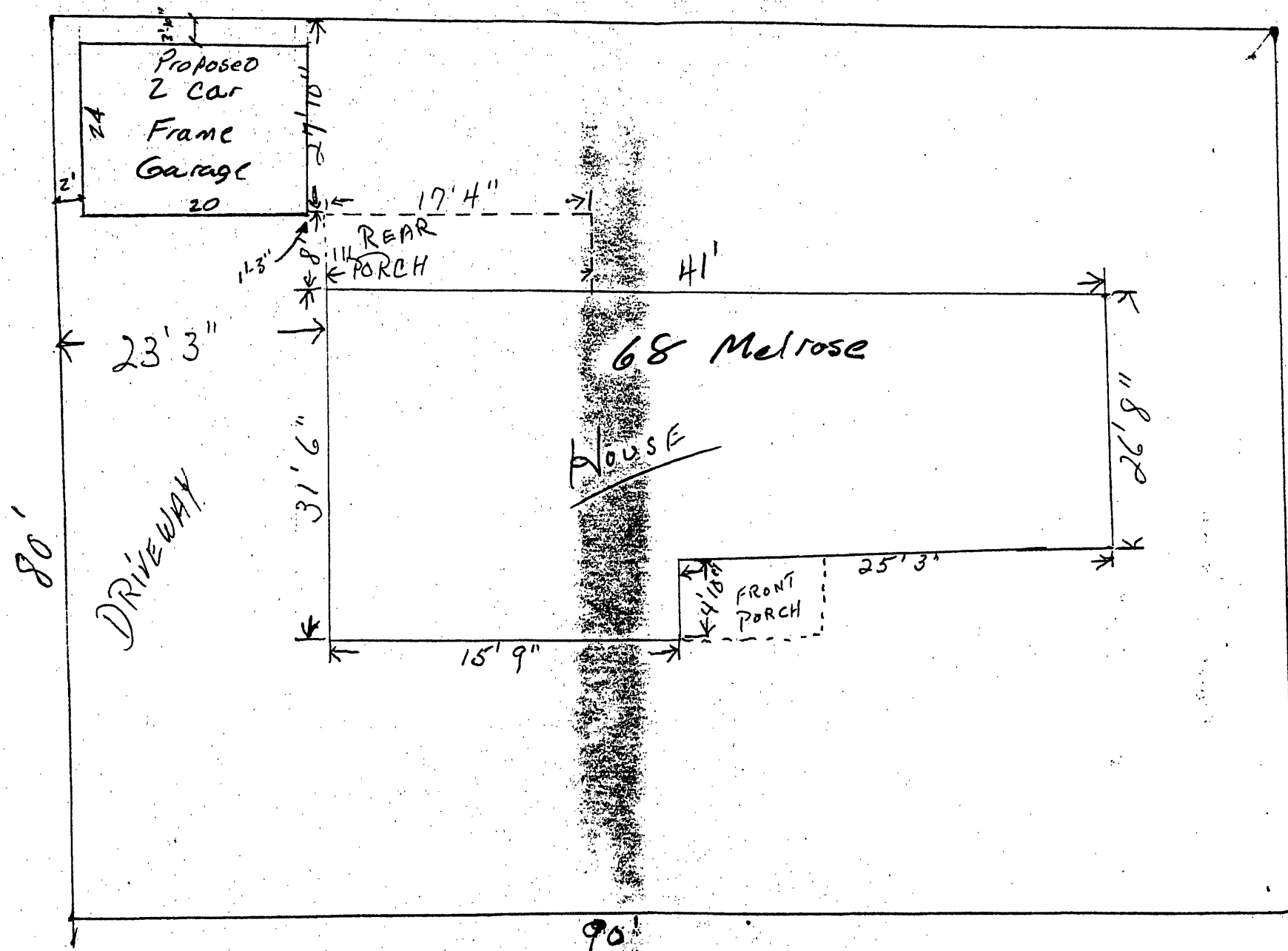
for permit to Construction of 2 car garage

at the premises located at 68 Melrose Ave.

is returned herewith and disapproved on the following grounds:

Need yard variances - 10' required for accessory
structure from any line - need 8' variance on side,
6'-2" on rear


Building Inspector





1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

(64)

Nov. 29, 1983

58 return receipts (1 unclaimed)

Mr. Dominick D'Egidio
68 Melrose Ave.
New Windsor, N.Y.

RE: 15-7-4

Dear Mr. D'Egidio:

According to my records, the attached list of property owners are within five hundred (500) feet of the above mentioned property.

The charge for this service is \$15.00. Please remit same to the Town Clerk, Town of New Windsor.

Very truly yours,

Paula Sarvis

PAULA SARVIS
ASSESSOR
Town of New Windsor



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TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

21

✓ Crudele Michael A & Dorothy
74 Lawrence Ave
New Windsor NY 12550 516 926 109

✓ Oliver William R
141 W Main St
Middletown NY 10940 516 926 110

✓ Salamotoff Connie
78 Windsor Highway
New Windsor NY 12550 516 926 111

✓ Naclerio John & Stephanie
87 Merline Ave
New Windsor NY 12550 516 926 112

✓ Ryan Walter T & Arlene M
77 Merline Ave
New Windsor NY 12550 516 926 113

✓ Ponessi Paul L & Dorina R
73 Merline Ave
New Windsor NY 12550 516 926 114

✓ Simanowski Charles & Ann M
MD 23 Bradford Ave
New Windsor NY 12550 516 926 115

✓ Riglione Louis & Jennie
58 Melrose Ave
New Windsor NY 12550 116

✓ D'Amico William & Marie c
64 Melrose Ave
New Windsor NY 12550 117

~~B'Egidio Dominick & Florence
68 Melrose Ave
New Windsor NY 12550 omit~~

✓ Smith Arthur D & Eileen M
76 Melrose Ave
New Windsor NY 12550 118

✓ Dillman Katina
25 Rosemere St
Rye NY 10580 516 926 119

✓ Fernal Stanley J Jr
81 Lawrence Ave
New Windsor NY 12550 516 926 120

✓ Favata Jennie & Alfred P
77 Lawrence Ave
New Windsor NY 12550 516 926 121

✓ Lucas Michael D & Arlene J
c/o Joseph Effron
55 Melrose Ave
New Windsor NY 12550 122

✓ Kissam Dolores
17 Bradford Ave
New Windsor NY 12550 123

✓ Warren Estelle L
113 Blanche Ave
New Windsor NY 12550 124

✓ Baranski Charles & Jane
117 Blanche Ave
New Windsor NY 12550 125

✓ Lombardo Christopher & Lynne
52 Cedar Ave
New Windsor NY 12550 126

✓ Yonnone Carmine J & Jane V
56 Cedar Ave
New Windsor NY 12550 127

✓ Ruscitti Joseph & Ida A
PO Box 227
Walden NY 12586 128

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK



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21

✓ Short David A & Roberta L
87 Blanche Ave
New Windsor NY 12550 516 926 129

✓ Antonelli Joseph A
77 Melrose Ave
New Windsor NY 12550 516 926 130

✓ Ortenzo Alfred & Estelle C
75 Melrose Ave
New Windsor NY 12550 131

✓ Hoyer William E & Carol Lee
71 Melrose Ave
New Windsor NY 12550 132

✓ Gerbes Anthony C & Dolores
69 Melrose Ave
New Windsor NY 12550 133

✓ Gerbes John J
59 Melrose Ave
New Windsor NY 12550 134

✓ Freeman III Thomas J & Cathy M
Melrose Ave
New Windsor NY 12550 135

✓ Cherry Allen R & Ruth
118 Cedar Ave
New Windsor NY 12550 136

✓ Gandolfini Lino & Ida
44 Cedar Ave
New Windsor NY 12550 137

✓ Mowery Lawrence & Johanna C
69 Bradford Ave
New Windsor NY 12550 138

✓ Biedekapp Scott & Harriett
63 Blanche Ave
New Windsor NY 12550 139

✓ Orzechowski Zygmunt & Stella
61 Blanche Ave
New Windsor NY 12550 140

✓ Donahue Thomas Patrick & Marie
77 Fifth Ave
Newburgh NY 12550 141

✓ Stanford Leroy & Rosemarie
53 Melrose Ave
New Windsor NY 12550 142

✓ Konrad John & Helen
49 Melrose Ave
New Windsor NY 12550 143

✓ Kirk Frances F & Jeffery W
45 Melrose Ave
New Windsor NY 12550 144

✓ Mikutis Anthony & Helen 510 081 506
44 Melrose Ave
New Windsor NY 12550 ~~516 926 145~~

✓ Pushman Albert E Jr. & Audrey R
46 Melrose Ave
New Windsor NY 12550 510 084 659

✓ Simanoski Edward & Helen B
56 Melrose Ave
New Windsor NY 12550 510 084 658

✓ Malinowski Thaddeus E &
Rymaszewski Wanda
39 Lawrence Ave
New Windsor NY 12550 510 083 192

✓ Raszcewski Leo & Frances
c/o Frances Lerose
31 Hilltop Dr
New Windsor NY 12550 510 083 191



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TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

✓ Rossi Olimpia
52 Balmville Road
Newburgh NY 12550

✓ Laddick John J
68 Merline Ave
New Windsor NY 12550

✓ Yonnone Cosmo & Carmella
78 Merline Ave
New Windsor NY 12550

✓ Yannone Thomas J & Hazel M
80 Merline Ave
New Windsor NY 12550

✓ Yonnone Gus J & Anna
82 Merline Ave
New Windsor NY 12550

✓ Dougherty William F Jr &
Susan M
88 Merline Ave
New Windsor NY 12550

✓ Gilfeather Robert J & Rose H
90 Merline Ave
New Windsor NY 12550

✓ Komar John
96 Merline Ave
New Windsor NY 12550

✓ Carlstrom James J & Anna R
106 Merline Ave
New Windsor NY 12550

✓ Hotaling Richard & Mary Ann
95 Myrtle Ave
New Windsor NY 12550

✓ Jollie Edward L
32 Willow Lane
New Windsor NY 12550

✓ Mott Arthur D & Clara
91 Myrtle Ave
New Windsor NY 12550

✓ Yonnone Cosmo J & Stephanie A
67 Myrtle Ave
New Windsor NY 12550

✓ Linton David S & Frances A
59 Myrtle Ave
New Windsor NY 12550

✓ Homin John F & Frances
91 Merline Ave
New Windsor NY 12550

✓ Hotaling Howard & Josephine
14 Goodman Ave
New Windsor NY 12550

✓ Virgillo Mary R
c/o Lavallee
16 Goodman Ave
New Windsor NY 12550

✓ Smith Donald J & Edith H
24 Goodman Ave
New Windsor NY 12550

✓ Esposito Anthony & Iolanda
MD23 Merline Ave
New Windsor NY 12550

✓ Griener Philip G & Judy A
70 Lawrence Ave
New Windsor NY 12550



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TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

3.

✓ Mc Dermott Michael & Theresa 147
57 Merline Ave
New Windsor NY 12550

✓ Yonnone Carmine & Fannie 516 926 146.
51 Merline Ave
New Windsor NY 12550

✓ Reidulski John 516 926 145.
60 Merline Ave
New Windsor NY 12550



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK
(914) 565-8550

file

Date: January 11, 1984

Mr. Dominick M. D'Egidio
68 Melrose Avenue
New Windsor, NY 12550

RE: APPLICATION BEFORE ZONING BOARD OF APPEALS
83-40 - D'EGIDIO, DOMINICK M. - (area variances)

Dear Mr. D'Egidio:

This is to confirm that your above application before the
New Windsor Zoning Board of Appeals was Granted
at a meeting held on the 9th day of January, 1984.

A formal decision will be drafted and acted upon at a later
date. You will be receiving a copy of same by return mail.

Meanwhile, if you have any further questions, please do not
hesitate to call me.

Yours very truly,

Patricia Delio

PATRICIA DELIO, Secretary
New Windsor Zoning Board of Appeals

/pd

cc: Patrick Kennedy, Bldg/Zoning Inspector
Town Planning Board

1/9/84 - Public Hearing - D'Egidio, Dominick

Name:

J. Horvitz
Joe Ruscetta

Address:

91 Mainline Ave
35 Walnut St

INTER-OFFICE CORRESPONDENCE

TO: TOWN PLANNING BOARD
TOWN BUILDING/ZONING INSPECTOR KENNEDY

FROM: ZONING BOARD OF APPEALS

SUBJECT: PUBLIC HEARINGS BEFORE ZBA
1/9/84

DATE: December 14, 1983

Please be advised that the following public hearings are scheduled to be heard before the ZBA on January 9, 1984:

Application of D'EGIDIO, DOMINICK

Application of PETRO, JOHN A.

I have attached hereto copies of the pertinent applications together with the public hearing notices which appeared in THE SENTINEL.

Pat

/pd

Attachments

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals
of the TOWN OF NEW WINDSOR, New York will hold a
Public Hearing pursuant to Section 48-34A of the
Zoning Ordinance on the following proposition:

Appeal No. 40

Request of DOMINICK D'EGIDIO

for a VARIANCE ~~SPECIAL PERMIT~~ of
the regulations of the Zoning Ordinance to
permit construction of a two-car frame
garage with insufficient rear and sideyards
being a VARIANCE ~~SPECIAL PERMIT~~ of
Section 48-12 - Table of Bulk Regs., -Cols. 6 & 7
for property situated as follows:

68 Melrose Avenue, Town of New Windsor,
New York - Tax Map Section 15-Block 7-Lot 4.

SAID HEARING will take place on the 9th day of
January, 1984, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

RICHARD FENWICK
Chairman

MATTERS TO BE PLACED ON
ZONING BOARD OF APPEALS AGENDA:

PRELIMINARY MEETING:

NAME OF APPLICANT: Dominick D'Egidio
ADDRESS: 68 Malrose Ave. Tel.# 562-2582
OWNER: ✓ PROSPECTIVE PURCHASER: _____

TYPE OF APPLICATION: area variance
ZONE DESIGNATION: R-4
LOCATION OF PROPERTY: 68 Malrose

PLEASE BE PRESENT AT ZONING BOARD MEETING OF 4/28/83
at 7:30 p.m. AT NEW WINDSOR TOWN HALL - 555 Union Avenue - New Windsor,
New York.

BRING WITH YOU: plans for const.

ATTORNEY: _____ Tel.# _____

REFERRED BY: _____

ORDER TO REMEDY VIOLATION ISSUED: yes - 10/4/83

PUBLIC HEARING NOTICE SENT TO NEWSPAPER: 12/12/83

PUBLIC HEARING NEEDED: yes 12/12/83 IF SO, WHEN: _____

APPLICATIONS PROVIDED ON: # 83-40 (Date)

ref 6 p 20
ref 5 d 20
es d.

PATRICIA DELIO, SECRETARY
NEW WINDSOR ZONING BOARD OF APPEALS
555 Union Avenue
New Windsor, N.Y. 12550
(914) 565-8550